

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

T. KEITH HOLLIS, PH.D., et al.

Plaintiffs,

vs.

Civil Action No. 1:21-cv-00163-GHD-RP

JOSEPH R. BIDEN, JR.,
in his official capacity as
President of the United States of
America; et al.

URGENT AND NECESSITOUS

Defendants.

**EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs¹, by and through undersigned counsel, file this Emergency Application for Temporary Restraining Order and Motion for Preliminary Injunction (“Application”) against Defendants² seeking a nationwide injunction to stop the enforcement of the mandatory vaccination provisions contained in Executive Order 14042 (“EO 14042”), *COVID-19 Workplace*

¹ T. Keith Hollis, Ph.D., Dennis W. Smith, Jr, Ph.D., Randall Little, Ph.D., Timothy Boden, and Mark Murphy.

² JOSEPH R. BIDEN, JR., in his official capacity as President of the United States of America; SAFER FEDERAL WORKFORCE TASK FORCE; KIRAN AHUJA, in her official capacity as director of the Office of Personal Management and as co-chair of the Safer Federal Workforce Task Force; JEFFREY ZIENTS, in his official capacity as co-chair of the Safer Federal Workforce Task Force and as President Biden’s COVID-19 Response Coordinator; ROBIN CARNAHAN in her official capacity as administrator of the General Services Administration as co-chair of the Safer Federal Workforce Task Force; SHALANDA YOUNG in her official capacity as Acting Director of the Office of Management and Budget and as a member of the Safer Federal Workforce Task Force; BOARD OF TRUSTEES OF THE STATE INSTITUTIONS OF HIGHER LEARNING; MISSISSIPPI STATE UNIVERSITY; and JOHN DOES 1 – 5.

Safety: Guidance for Federal Contractors and Subcontractors (“Task Force Guidance”), and the Board of Trustees of the State Institutions of Higher Learning’s (“IHL”) order of October 25, 2021 (“IHL Order”) (collectively, “Vaccine Mandates”).

Plaintiffs respectfully request that the Court schedule a hearing on this Application at the Court’s earliest convenience because the deadline by which Plaintiffs must be inoculated is November 24, 2021, to be considered “fully vaccinated” by December 8, 2021.

In support of this Application, Plaintiff refers the Court to (1) Memorandum of Law in Support of Plaintiffs’ Application for Temporary Restraining Order and Preliminary Injunction; (2) First Amended Complaint for Declaratory Judgment and Injunctive Relief (“Amended Complaint”) and relevant attachments thereto. Incidentally, the Amended Complaint is verified pursuant to Rule 65, with the 28 U.S.C. 1746 declarations of each Plaintiff being found on pages 24-28 thereof.

WHEREFORE PREMISES CONSIDERED, the Plaintiffs pray for entry of a nationwide injunction that will stop the Defendants from enforcing Executive Order 14042, the Task Force Guidance, and by extension, the IHL Order of October 25, 2021.

Respectfully submitted on this the 2nd day of November 2021,

/s/ Matthew D. Wilson

By: _____

Matthew Wilson (MS 102344)

PO Box 4814

Mississippi State, MS 3976

T: (662) 312-5039

starkvillelawyer@gmail.com

ATTORNEY FOR THE PLAINTIFFS

**CERTIFICATE OF SERVICE
AND EFFORTS MADE TO GIVE NOTICE**

On November 1, 2021, the undersigned counsel for the Plaintiffs contacted the attorney for the IHL and Mississippi State University (“MSU”), the Hon. Charles Winfield, via email to alert him of the imminent filing of this Application. Mr. Winfield acknowledged receipt thereof.

In the same email, the undersigned counsel alerted the Hon. Clay Joyner, who is the Acting U. S. Attorney for the Northern District of Mississippi³ to alert the other parties who are Federal agencies and/or employees. (A copy of this email is attached hereto as **Exhibit 1** and is incorporated herein by reference.) The undersigned counsel faxed a copy of the aforesaid email to the Office of the U.S. Attorney on November 2, 2021. (A copy of this fax confirmation is attached hereto as **Exhibit 2**.)

In addition, the undersigned counsel certifies that he has delivered a copy of this motion, its exhibits, and the memorandum of law to the following persons via the following means on November 2, 2021:

The Hon. Charles Winfield
– cwinfield@winfieldlawfirm.com

The Office of the United States Attorney, Civil Division
– FAX - (662) 234-3318

So certified on the 2nd day of November 2021

/s/ Matthew D. Wilson
By: _____
Matthew Wilson (MS 102344)

³ The undersigned counsel assumes that he is still the Acting U.S. Attorney because the official website for the U.S. Attorney’s Office has not changed. See <https://www.justice.gov/usao-ndms/meet-us-attorney> (retrieved November 2, 2021).

CERTIFICATE OF REASONS WHY NO NOTICE SHOULD BE GIVEN

Plaintiffs fear that since the Federal Defendants do not have to respond to the Complaint until 60 days after they have been served (and even then, they must be served by certified mail – at time when the Postal Service is slowing delivery times), the Federal Defendants may wish to run the clock until the deadline to comply with the Vaccine Mandates passes.

Therefore, since the U.S. Attorney's Office has been served with a copy of his motion, the undersigned counsel respectfully submits that no additional notice should be given to the Federal Defendants.

Counsel for the IHL and MSU are in contact with the undersigned counsel.

So certified on the 2nd day of November 2021

/s/ Matthew D. Wilson

By: _____
Matthew Wilson (MS 102344)